

Fair Political Practices Commission

Memorandum

To: Chairman Schnur, Commissioners Garrett, Hodson, Montgomery, and Rotunda

From: William J. Lenkeit, Senior Commission Counsel
Scott Hallabrin, General Counsel

Subject: Adoption of Proposed Amendments to Regulations 18942 and 18944.1

Date: August 30, 2010

Proposed Commission Action and Staff Recommendation. Adopt the proposed amendments to Regulation 18942 and Regulation 18944.1 concerning tickets received to an event at which the official performs a ceremonial role.

Reasons for Proposed Amendments to Gift Regulations and Staff Recommendation. Regulation 18944.1 was recently amended to provide that any distribution of tickets by an agency to its employees be made in accordance with an adopted agency policy that states a public purpose to be accomplished by the ticket distribution. The regulation also requires the agency to post information on its website, on a form approved by the Commission, showing the agency's distribution of tickets and to indicate the public purpose for the distribution. However, the recent amendments failed to include the posting requirements for a ticket provided for a ceremonial role. The proposed amendments would correct this oversight and now require an official who attends an event for the purpose of performing a ceremonial role or duty to comply with the online posting provisions in Regulation 18944.1. Additionally, staff proposes that the ceremonial role exception now in Regulation 18944.1 be moved to Regulation 18942 with the rest of the exceptions to the definition of "gift."

Proposed Amended Regulation 18942. As stated above, Regulation 18942 contains the exceptions to the definition of "gift." Suggested amendments submitted at this time merely move an exception from other regulations into this regulation, so that all the gift exceptions are provided in one place. Additionally, the regulation now clarifies that tickets provided for a ceremonial role must be posted online in accordance with the provisions of Regulation 18944.1.

Proposed Amended Regulation 18944.1. The proposed change moves the ceremonial role exception into Regulation 18942. Regulation 18944.1 is now confined to addressing tickets either provided to the agency from outside donors or owned by the agency, as part of the "gifts to agency" regulations.